

DOCKET NO.: 9528-005-27

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Stepehn W. DOWNING

ART UNIT: 3763

SERIAL NO: 09/881,045

EXAMINER:

FILING DATE: June 15, 2001

FOR: APPARATUSES AND METHODS FOR PERFORMING MINIMALLY INVASIVE DIAGNOSTIC AND SURGICAL PROCEDURES INSIDE OF A BEATING HEART

REVOCATION OF POWER OF ATTORNEY AND NEW POWER OF ATTORNEY

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

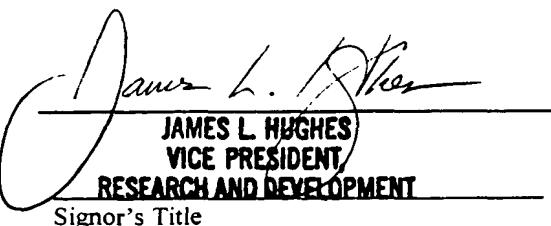
The undersigned representative of **University of Maryland, Baltimore** owner by virtue of assignment of the above-identified application, hereby revokes any and all previous Powers of Attorney and appoints Steven B. Kelber, Reg. No. 30,073; Jerold I. Schneider, Reg. No. 24,765; Paul C. Kimball, Reg. No. 34,641; Wilburn L. Chesser, Reg. No. 41,668; James M. Heintz, Reg. No. 41,828; Perry E. Van Over, Reg. No. 42,197; Raymond Millien, Reg. 43,806; Lisa K. Norton, Reg. No. 44,977; Patrick R. Delaney, Reg. No. 45,338; and Christopher W. Raimund, Reg. No. 47,258, as Assignee's attorneys with full power of substitution and revocation, to prosecute said patent application, receive any Letters Patent and to take any and all other actions with regard to this patent application and any Letters Patent issuing thereon, and request that all correspondence be sent to Supervisor. Patent Prosecution Services, PIPER RUDNICK LLP, 1200 Nineteenth Street, N.W., Washington, D.C. 20036-2412.

CERTIFICATION UNDER 37 C.F.R. 3.73(b)

I, the undersigned, certify that I am an individual empowered to act on behalf of **University of Maryland, Baltimore** the assignee of the entire right, title and interest of the above-identified application by virtue of an assignment from the inventor(s). I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

9-4-02

Date Signed



JAMES L. HUGHES
VICE PRESIDENT
RESEARCH AND DEVELOPMENT
Signor's Title

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**APPARATUSES AND METHODS FOR PERFORMING MINIMALLY INVASIVE DIAGNOSTIC
AND SURGICAL PROCEDURES INSIDE OF A BEATING HEART**

(Attorney Docket No. 034495-0103)

the specification of which (check one)

 is attached hereto.

X was filed on June 15, 2001, as United States Application Number 09/881,045.

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number | Country | Foreign Filing Date | Priority Claimed? | Certified Copy Attached? |
|----------------------------------|---------|---------------------|-------------------|--------------------------|
| | | | | |
| | | | | |
| | | | | |

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

| U.S. Provisional Application Number | Filing Date |
|-------------------------------------|-------------|
| 60/212,075 | 06/20/2000 |
| | |
| | |

I HEREBY CLAIM the benefit under Title 35, United States Code, §120 of any United States application(s), or § 365(c) of any PCT International application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent Application Number | PCT Parent Application Number | Parent Filing Date | Parent Patent Number |
|--------------------------------|-------------------------------|--------------------|----------------------|
| | | | |
| | | | |
| | | | |

I HEREBY APPOINT the following registered attorneys and agents of the law firm of
FOLEY & LARDNER:

| | |
|---------------------|-------------------|
| MARSHALL J. BROWN | Reg. No. 44,568 |
| JOHN C. COOPER III | Reg. No. 26,416 |
| MARY MICHELLE KILE | Reg. No. 35,217 |
| JEANNE MARIE GILLS | Reg. No. 44,458 |
| NEAL D. MARCUS | Reg. No. 35,267 |
| JAMES G. MORROW | Reg. No. 32,505 |
| MICHAEL D. RECHTIN | Reg. No. 30,128 |
| BERNHARD D. SAXE | Reg. No. 28,665 |
| PAUL E. SCHAAFSMA | Reg. No. 32,664 |
| MATTHEW A. SMITH | Reg. No. P-49,003 |
| JAMES A. SPROWL | Reg. No. 25,061 |
| DARLEEN J. STOCKLEY | Reg. No. 34,257 |

to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith.

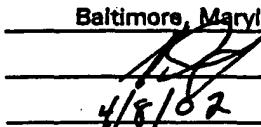
I request that all correspondence be directed to:

Mary Michelle Kile
FOLEY & LARDNER
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5109

Telephone: (202) 672-5428
Facsimile: (202) 672-5399

I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| | |
|------------------------|---|
| Name of first inventor | Stephen W. Downing |
| Residence | Baltimore, Maryland |
| Citizenship | United States of America |
| Post Office Address | 1407 Carrollton Avenue Baltimore, Maryland 21204 |
| Inventor's signature |  |
| Date | 4/8/02 |